

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rio Vallecito

Subfile No.: CHRO-005-0002

MOTION FOR DEFAULT JUDGMENT AS TO AGUSTIN & BERNADITA VIGIL
ESTATE, SUBFILE NO. CHRO-005-0002

COMES NOW the Plaintiff State of New Mexico *ex rel.* State Engineer (“State”) and moves the Court to enter its order granting default judgment pursuant to Fed. R. Civ. P. 55(b)(2) against the following defendant:

**AGUSTIN & BERNADITA
VIGIL ESTATE**

Subfile No. CHRO-005-0002

and as grounds therefor Plaintiff states:

1. The Court has jurisdiction over the above-named Defendant as shown by the filed *Notice of Filing of Proof of Service of Summons in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System* dated August 5, 2016, (Doc. No. 11131 and 11131-2).

2. The above-named defendant is in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Entry of Default* filed on December 20, 2019, (Doc. No. 11575).

3. The State has met with Laura Vigil Caffey to investigate and discuss the water rights under this subfile number, but as stated above, the defendant has failed to appear, answer, or otherwise defend in this cause.

4. In accordance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended, the right(s) of the above-named defendant to divert and use the public waters of Section 1 of the Rio Chama Stream System, Rio del Oso & Rio Vallecito, should be as set forth below:

AGUSTIN & BERARDITA VIGIL ESTATE
Subfile No. CHRO-005-0002

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No: NONE

Priority: 1887

Source of Water: Surface water of the Rio del Oso, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ACEQUIA DE LOS RECHUELOS

Location X: 1,608,390 feet Location Y: 1,836,374 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant	4.7 acres
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Total	4.7 acres

As shown on the revised Hydrographic Survey Map for Subfile No.: CHRO-005-0002

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against the above-named defendant incorporating the terms of the State's proposed order in Subfile No. CHRO-005-0002 and in conformance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended.

DATED: September 8, 2022

Respectfully submitted,

/s/ Edward C. Bagley

EDWARD C. BAGLEY
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CERTIFICATE OF SERVICE

I certify that on September 8, 2022, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

Additionally, I have caused to be mailed a copy of this application to Defendant Agustin & Bernadita Vigil Estate at the following address:

Agustin & Bernadita Vigil Estate
c/o Laura Vigil Caffey
4801 Glenwood Hills Drive NE
Albuquerque, NM 87111

/s/ Edward C. Bagley

Edward C. Bagley